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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,034	07/28/2003	John R. Zaleski	2002P12115 US01	7378
Alexander J. B	7590 12/12/2007		EXAM	INER
Intellectual Property Department 5th Floor 170 Wood Avenue South Iselin, NJ 08830			NGUYEN, TRAN N	
			ART UNIT	PAPER NUMBER
			3626	
				,
			MAIL DATE	DELIVERY MODE
			12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/629,034	ZALESKI, JOHN R.
Office Action Summary	Examiner	Art Unit
	Tran N. Nguyen	3626
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the	correspondence address
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D. - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	OATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be to will apply and will expire SIX (6) MONTHS from e, cause the application to become AB ANDONE	N. mely filed the mailing date of this communication. ED (35 U.S.C. § 133).
Status		
 Responsive to communication(s) filed on 28 J This action is FINAL. Since this application is in condition for alloward closed in accordance with the practice under the communication in the condition of the communication in the condition of the communication in the condition of the communication in the com	s action is non-final. ance except for formal matters, pr	
Disposition of Claims		
4) ☐ Claim(s) <u>1-37</u> is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) <u>1-37</u> are subject to restriction and/or	wn from consideration.	
Application Papers		
9) The specification is objected to by the Examina 10) The drawing(s) filed on is/are: a) accomposed and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct and accomposed and accomposed are the specific process.	cepted or b) objected to by the drawing(s) be held in abeyance. Section is required if the drawing(s) is o	ee 37 CFR 1.85(a). bjected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Bureat * See the attached detailed Office action for a list	its have been received. Its have been received in Applicatority documents have been received in Applicatority documents have been received.	tion No ved in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892)	4) 🔲 Interview Summar	y (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	Paper No(s)/Mail [5) Notice of Informal 6) Other:	Date

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DETAILED ACTION

Notice to Applicant

This communication is in response to the communication filed 07/28/2003. Pending claim(s): 1-37.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-2, 4-12, 17, drawn to a system and method for distributing patient medical parameters, classified in class 705, subclass 2.
- II. Claims 3, 13-16, 36, drawn to a system for providing a user interface supporting selectively storing patient parameters, classified in class 705, subclass 3.
- III. Claims 18-19, 21-30, 37, drawn to a system for selectively storing patient parameters in a patient medical record, classified in class 705, subclass 3.
- IV. Claims 20, 31-35, drawn to a system for providing a user interface supporting selectively storing patient parameters in a patient medical record, classified in class 705, subclass 3.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not

overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable.

In the instant case, subcombination I has separate utility such as being particularly adapted for a health care delivery organization.

Subcombination II has separate utility such as providing a GUI capable of processing the records of diagnosis of a patient.

Subcombination III has separate utility such as storing the records of a patient.

Subcombination IV has separate utility such as providing a GUI capable of processing the records of a patient.

See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above

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and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C.101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete <u>must</u> include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement

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will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from Examiner should be directed to Tran N. Nguyen (Ken) whose telephone number is (571) 270-1310. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:00 pm, Eastern Time.

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If attempts to reach the examiner by telephone are unsuccessful, Examiner's

Supervisor, Joseph Thomas can be reached on (571) 272-6776.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

11/30/2007

PRIMARY EXAMINER

TECHNOLOGY CENTER 3600